S.B.Cr.Misc. Bail App. No. 5378/2007
(Nathunath Vs. State of Rajasthan)

Date of order : 16/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Kulwant Singh for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioner that the prosecutrix voluntarily went with the petitioner and lived for number of days, however, she was produced before the Executive Magistrate on an order passed under Section 97 Cr.P.C., where she made a categorical statement voluntarily that she wishes to live with the present petitioner and does not want to go to her husband. It also appears that the parties have compromised the matter and the prosecutrix stated that she would not make statement against the present petitioner.

In this view of the matter, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is

allowed and it is directed that petitioner Nathunath S/o Shri Budhnath be released on bail in FIR No. 158/07 P.S. Rajiasar, district Sri Ganganagar provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP